


PLD-PI-00	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lawrance A. Bohm (SBN: 208716) BOHM LAW GROUP 4600 Northgate Boulevard, Suite 210 Sacramento, California 95834</p> <p>TELEPHONE NO: 916.927.5574 FAX NO. (Optional): 916.927.2046</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): Plaintiff, FRANCES BRANCH</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</p> <p>STREET ADDRESS: 720 NINTH STREET</p> <p>MAILING ADDRESS: SAME</p> <p>CITY AND ZIP CODE: SACRAMENTO, CA 95814</p> <p>BRANCH NAME: Gordon D. Schaber Downtown Courthouse</p>	
<p>PLAINTIFF: FRANCES BRANCH</p>	
<p>DEFENDANT: THE PERMANENTE MEDICAL GROUP, Inc., and</p>	
<p><input checked="" type="checkbox"/> DOES 1 TO <u>25</u>, _____ inclusive.</p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): EMPLOYMENT</p> <p><input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death</p> <p><input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): EMPLOYMENT</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p>Amount demanded <input type="checkbox"/> does not exceed \$10,000</p> <p> <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p><input type="checkbox"/> from limited to unlimited</p> <p><input type="checkbox"/> from unlimited to limited</p>	
<div style="text-align: center;">  </div> <p>CASE NUMBER:</p>	

1. **Plaintiff** (name or names): **FRANCES BRANCH**
alleges causes of action against **defendant** (name or names):
THE PERMANENTE MEDICAL GROUP, INC., and DOES 1 through 25.
2. This pleading, including attachments and exhibits, consists of the following number of pages: **Thirteen (13)**
3. Each plaintiff named above is a competent adult
- a. ☐ **except** plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):
- b. ☐ **except** plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): TPMG, Inc.(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 through 10, inclusive were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 11 through 25, inclusive are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.d. ☒ other (specify):

Plaintiff was employed as a Registered Nurse by Defendant The Permanente Medical Group, Inc., dba Kaiser Permanente, at its Adult Advice Call Center located at: 3200 Arden Way, Sacramento, CA 95825, and this business location is within the jurisdictional area of this court.

9. ☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

Plaintiff filed a timely complaint with the California Department of Fair Employment and Housing ("DFEH") and received a Right to Sue Notice on July 22, 2014, to exhaust her claims under the provisions of the Fair Employment and Housing Act ("FEHA").

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
 b. ☐ General Negligence
 c. ☐ Intentional Tort
 d. ☐ Products Liability
 e. ☐ Premises Liability
 f. ☒ Other (specify):

Disability & Age Discrimination; CFRA & FEHA Retaliation; Failure to Prevent Discrimination and Retaliation; Failure to Provide Reasonable Accommodation; Failure to Engage in the Interactive Process; Defamation; and Wrongful Termination in Violation of Public Policy.

11. Plaintiff has suffered

- a. ☒ wage loss
 b. ☐ loss of use of property
 c. ☒ hospital and medical expenses
 d. ☒ general damage
 e. ☐ property damage
 f. ☒ loss of earning capacity
 g. ☒ other damage (specify):

Physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
 a. ☐ listed in Attachment 12.
 b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
 (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
 (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
 As to all paragraphs.

Date: October 14, 2014

Lawrance A. Bohm, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

FIRST CAUSE OF ACTION – Disability Discrimination
(Government Code section 12940, subdivision (a))

1. At all times relevant to this matter, Plaintiff Frances Branch (hereafter "PLAINTIFF") suffered from a "physical disability" as defined by Government Code section 12926, subdivision (k) and California Code of Regulations, title 2, section 7293.6, subdivision (e). In spite of her disability, PLAINTIFF was able to perform the essential functions of her position as defined by Government Code section 12926, subdivision (f) and California Code of Regulations, title 2, section 7293.8, subdivision (g) and was otherwise able to perform her job had Defendant The Permanente Medical Group, Inc. (hereafter "DEFENDANT") provided the reasonable accommodation required by Government Code section 12926, subdivision (n) and California Code of Regulations, title 2, subdivision 7293.9, subdivision (a).
2. DEFENDANT's conduct violated Government Code section 12940, subdivision (a) consistent with California Code of Regulations, title 2, section 7293.7. Specifically, DEFENDANT denied PLAINTIFF reasonable accommodations by terminating PLAINTIFF when she exercised her right to take medical leave pursuant to the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and/or the California Family Rights Act (Gov. Code § 12945.2). DEFENDANT did so despite PLAINTIFF's experience in her job and knowledge she could perform the duties of the position.
3. DEFENDANT's discriminatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this Court's jurisdiction according to proof at trial.
4. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks "affirmative relief" or "prospective relief" as defined by Government Code section 12926, subdivision (a).
5. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF's rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT's future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 2

(This Attachment may be used with any Judicial Council form.)

SECOND CAUSE OF ACTION – Age Discrimination (Government Code section 12940, subdivision (a))

6. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
7. At all times relevant to this matter, PLAINTIFF was a woman over the age of 40 as defined by Government Code section 12926, subdivision (b) and California Code of Regulations, title 2, section 7295.0, and thus is a member of a class of persons protected by the California Fair Employment and Housing Act ("FEHA") from employment discrimination based on her age.
8. DEFENDANT knew that PLAINTIFF was above the age of 40 as defined by Government Code section 12926, subdivision (b) and California Code of Regulations, title 2, section 7295.0.
9. DEFENDANT discriminated against PLAINTIFF in violation of Government Code section 12940, subdivision (a) and consistent with California Code of Regulations, title 2, section 7295.0, by: 1) terminating PLAINTIFF's employment; thereby, 2) forcing PLAINTIFF into early retirement; and, 3) otherwise discriminating against PLAINTIFF with regard to the terms and conditions of her employment because of her age.
10. As a proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks "affirmative relief" or "prospective relief" as defined by Government Code section 12926, subdivision (a).
11. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF's rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT's future conduct.
- WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

THIRD CAUSE OF ACTION – California Family Rights Act Retaliation
(Government Code section 12945.2, subdivision (l))

12. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
13. At all times relevant to this action, the California Family Rights Act ("CFRA") and California Government Code section 12940, et. seq. were in full force and effect, and binding on DEFENDANT. DEFENDANT's statements and conduct represent a violation of CFRA, specifically, California Government Code section 12945.2, subdivision (l)).
14. On or about September 5, 2013, PLAINTIFF took medical leave pursuant to the California Family Rights Act and Family Medical Leave Act. Pursuant to her physicians' recommendations, PLAINTIFF was scheduled to return to work October 15, 2013.
15. However, when PLAINTIFF reported to work on October 15, 2013, DEFENDANT terminated PLAINTIFF's employment.
16. The protected medical leave PLAINTIFF took and her complaints about having been denied promotions she had applied for, having been subjected to arbitrary and unwarranted disciplinary actions, and counseling and the work-related stress these situations had caused her were motivating reasons for DEFENDANT's decision to terminate PLAINTIFF. PLAINTIFF has lost income, business opportunities, and suffered severe emotional distress because of DEFENDANT's actions.
17. DEFENDANT's retaliatory and discriminatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this court's jurisdiction according to proof at trial.
18. As a proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks "affirmative relief" or "prospective relief" as defined by Government Code section 12926, subdivision (a), including back pay, reimbursement of out of pocket expenses, expungement of records and any such other relief that this Court deems proper.
19. The above described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF's rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT's future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 3 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

FOURTH CAUSE OF ACTION – Retaliation (Government Code section 12940, subdivision (h))

20. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
21. PLAINTIFF suffered from a “physical disability” as defined by Government Code section 12926, subdivision (k) and California Code of Regulations, title 2 section 7293.6, subdivision (d). PLAINTIFF was able to perform the essential functions of her position as defined by Government Code section 12926, subdivision (f) and California Code of Regulations, title 2, section 7293.6, subdivision (e).
22. PLAINTIFF (1) complained to managing agents of DEFENDANT that she should not suffer a loss of job responsibilities for having taken medical leave as described above, (2) provided timely notice to DEFENDANT of her need for medical leave, and, (3) had requested accommodation of a physical disability that was known to DEFENDANT. These activities are protected by the California Fair Employment and Housing Act. Accordingly, DEFENDANT’s conduct violated Government Code sections 12940, subdivision (h) and 12945.2, subdivision (l).
23. Adverse employment actions suffered by PLAINTIFF include, but are not limited to: (1) DEFENDANT failed to engage in the interactive process of accommodation in good faith; (2) DEFENDANT refused to allow her to resume her normal duties and terminated her employment immediately upon the conclusion of her physician-ordered medical leave of absence as described above; and (3) DEFENDANT otherwise retaliated against and discriminated against PLAINTIFF with regard to the terms and conditions of her employment because she engaged in activities protected by the California Fair Employment and Housing Act. DEFENDANT’s actions were motivated, at least in part, because PLAINTIFF engaged in protected activities.
24. DEFENDANT was motivated to retaliate because, among other things, PLAINTIFF asserted her right to take medical leave, requested accommodations related to her physical disabilities, and complained about having been denied promotions and having being subjected to unwarranted discipline. Accordingly, DEFENDANT’s conduct violated Government Code section 12940, subdivision (h) and California Code of Regulations, title 2, section 7287.8.
25. DEFENDANT’s discriminatory and retaliatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this Court’s jurisdiction according to proof at trial.
26. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks “affirmative relief” or “prospective relief” as defined by Government Code section 12926, subdivision (a).
27. The above described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF’s rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT’s future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 4 of 10

(Add pages as required)

SHORT TITLE:

MC-025

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 5

(This Attachment may be used with any Judicial Council form.)

FIFTH CAUSE OF ACTION – Failure to Prevent Discrimination and Retaliation
(Government Code section 12940, subdivision (k))

28. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
29. DEFENDANT knew or should have known about the retaliation and disability discrimination committed against PLAINTIFF by managing agent(s) and/or officer(s) of Defendant as set forth above. Similarly, DEFENDANT knew or should have known that PLAINTIFF's disabilities had not been properly addressed. DEFENDANT failed to implement adequate training, policies or instructions that would have prevented the aforementioned discrimination, and retaliation. DEFENDANT breached its duty to prevent the above-described discrimination, and retaliation committed against PLAINTIFF. Accordingly, DEFENDANT violated Government Code section 12940, subdivision (k).
30. DEFENDANT's discriminatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this Court's jurisdiction according to proof at trial.
31. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks "affirmative relief" or "prospective relief" as defined by Government Code section 12926, subdivision (a).
32. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF's rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT's future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 5 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 6

(This Attachment may be used with any Judicial Council form.)

SIXTH CAUSE OF ACTION – Failure to Provide Reasonable Accommodation
(Government Code section 12940, subdivision (m))

33. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
34. PLAINTIFF suffered from a “physical disability” as defined by Government Code section 12926, subdivision (l) and California Code of Regulations, title 2, section 7293.6, subdivision (d). PLAINTIFF was able to perform the essential functions of her position as defined by Government Code section 12926, subdivision (f) and California Code of Regulations, title 2, section 7293.6, subdivision (e) and was otherwise able to perform her job had DEFENDANT provided the reasonable accommodation required by Government Code section 12926, subdivision (n) and California Code of Regulations, title 2, section 7291.7.
35. DEFENDANT’s conduct violated Government Code section 12940, subdivision (a) and was inconsistent with California Code of Regulations, title 2, section 7291.6, by: (1) terminating PLAINTIFF without consideration or in the alternative without regard to her physical disability; (2) terminating PLAINTIFF because she exercised her right to take medical leave pursuant to the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and/or the California Family Rights Act (Government Code section 12945.2); and, (3) otherwise discriminating against PLAINTIFF with regard to the terms and conditions of her employment because of her physical disability.
36. DEFENDANT cannot establish that allowing PLAINTIFF’s accommodation was an “undue hardship” as defined by Government Code section 12926, subdivision (s) and California Code of Regulations, title 2, section 7293.9, subdivision (j). Accordingly, DEFENDANT’s conduct violated Government Code section 12940, subdivision (m).
37. DEFENDANT’s discriminatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this court’s jurisdiction according to proof at trial.
38. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been damaged in an amount according to proof, but in an amount in excess of the jurisdiction of this Court. PLAINTIFF also seeks “affirmative relief” or “prospective relief” as defined by Government Code section 12926, subdivision (a).
39. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF’s rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT’s future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 6 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 7

(This Attachment may be used with any Judicial Council form.)

SEVENTH CAUSE OF ACTION – Failure to Engage in Timely and Good Faith Interactive Process
(Government Code section 12940, subdivision (n))

40. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
41. PLAINTIFF suffered from a “physical disability” as defined by Government Code section 12926, subdivision (i) and California Code of Regulations, title 2, section 7293.6, subdivision (f). In spite of her disability, PLAINTIFF was able to perform the essential functions of her position as defined by Government Code section 12926, subdivision (f) and California Code of Regulations, title 2, section 7293.8, subdivision (g) and was otherwise able to perform her job had DEFENDANT provided the reasonable accommodation required by Government Code section 12926, subdivision (n) and California Code of Regulations, title 2, section 7293.9, subdivision (a).
42. Although PLAINTIFF provided multiple notices pertaining to her disability, DEFENDANT failed to engage in a good faith interactive process to the extent needed to communicate to PLAINTIFF that DEFENDANT believed business necessity required that the parameters of the accommodation be reassessed. DEFENDANT did not discuss the nature and extent of PLAINTIFF’s health condition, the advice and recommendation of her health care providers, the extent and underlying medical necessity of the accommodation, and the need for future accommodation as well as other important areas of inquiry recognized in the United States Equal Employment Opportunity Commission’s “Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act” noted by the California Legislature in Government Code section 12926.1, subdivision (e). DEFENDANT’s obligation to engage in the interactive process of accommodation was not excused or waived by PLAINTIFF. Since DEFENDANT failed to engage in the important interactive process between employee and the employer in determining reasonable accommodation, DEFENDANT’s conduct violated Government Code section 12940, subdivision (n).
43. DEFENDANT’s discriminatory conduct was a substantial factor causing PLAINTIFF to suffer general and special damages including economic damages and non-economic damages in excess of this court’s jurisdiction according to proof at trial.
44. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of this court. PLAINTIFF also seeks “affirmative relief” or “prospective relief” as defined by Government Code section 12926, subdivision (a).
45. As an actual and proximate result of DEFENDANT’s unlawful conduct, PLAINTIFF has lost wages, benefits, and other out of pocket expenses.
46. As an actual and proximate result of the aforementioned acts of DEFENDANT, PLAINTIFF has become mentally upset, distressed, and aggravated. PLAINTIFF claims general damages for mental and emotional distress in an amount according to proof at time of trial.
47. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF’s rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT’s future conduct.
- WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

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Page 7 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 8

(This Attachment may be used with any Judicial Council form.)

EIGHTH CAUSE OF ACTION – Defamation

48. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
49. PLAINTIFF is informed and believes that DEFENDANT and its agents and employees, by the above-described acts, conspired to, and in fact, did negligently, recklessly, and/or intentionally cause external publications of defamation, of and concerning PLAINTIFF, to third persons and to the community. These false and defamatory statements included express and implied statements that PLAINTIFF was an incompetent nurse and that her incompetence as a nurse had put patients at risk. These and other similar false statements expressly and impliedly stated that PLAINTIFF was dishonest and unethical.
50. While the precise dates of these publications are not known to PLAINTIFF, except as herein alleged, these publications were made on or after October 15, 2013, and were made to employees of DEFENDANT, and recipients in the community. PLAINTIFF hereby seeks damages for these publications and all foreseeable republications discovered up to the time of trial.
51. During the above-described time-frame, DEFENDANT and its agents and employees conspired to, and in fact, did negligently, recklessly, and/or intentionally cause excessive and unsolicited publication of defamation, of and concerning PLAINTIFF, to third persons, who had no need or desire to know. Those third person(s) to whom DEFENDANT published this defamation are believed to include, but are not limited to, other agents and employees of DEFENDANT, and the community, all of whom are known to DEFENDANT, and its agents and employees, but unknown at this time to PLAINTIFF.
52. The defamatory publications consisted of knowingly false and unprivileged communications, tending directly to injure PLAINTIFF and PLAINTIFF's personal, business, and professional reputation.
53. PLAINTIFF is informed, believes and fears that these false and defamatory per se statements will continue to be published by DEFENDANT and will be foreseeably republished by their recipients, all to the ongoing harm and injury to PLAINTIFF's business, professional, and personal reputations. PLAINTIFF also seeks redress in this action for all foreseeable republications, including her own compelled self-publication of these defamatory statements.
54. The defamatory meaning of all of the above-described false and defamatory statements and their reference to PLAINTIFF, were understood by these above-referenced third person recipients and other members of the community who are known to DEFENDANT, and its agents and employees, but unknown to PLAINTIFF at this time.
55. None of DEFENDANT's defamatory publications against PLAINTIFF referenced above are true.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 8 of 10

(Add pages as required)

SHORT TITLE:

MC-025

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 9

(This Attachment may be used with any Judicial Council form.)

EIGHT CAUSE OF ACTION – Defamation (CONTINUED)

56. The above defamatory statements were understood as assertions of fact, and not as opinion.

57. Each of these false defamatory per se publications (as set forth above) were negligently, recklessly, and intentionally published in a manner equaling malice and abuse of any alleged conditional privilege (which PLAINTIFF denies existed), since the publications, and each of them, were made with hatred, ill will, and an intent to vex, harass, annoy, and injure PLAINTIFF in order to justify the illegal and cruel actions of DEFENDANT, and its agents and employees, to cause further damage to PLAINTIFF's professional and personal reputation, and to cause her to be wrongfully terminated.

58. DEFENDANT published these statements knowing them to be false and unsubstantiated by any independent investigation.

59. The above complained-of publications by DEFENDANT, and its agents were made with hatred and ill will towards PLAINTIFF and the design and intent to injure PLAINTIFF, PLAINTIFF's good name, her reputation, employment and employability. DEFENDANT and its agents published these statements, not with an intent to protect any interest intended to be protected by any privilege, but with negligence, recklessness and/or an intent to injure PLAINTIFF and destroy her reputation.

60. As a result of the publication and republication of these defamatory statements by DEFENDANT, and its agents, PLAINTIFF has suffered injury to her personal, business and professional reputation including suffering embarrassment, humiliation, severe emotional distress, shunning, anguish, fear, loss of employment, and employability, and significant economic loss in the form of lost wages and future earnings, all to PLAINTIFF's economic, emotional, and general damage in an amount according to proof.

61. DEFENDANT committed the acts alleged herein recklessly, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF, for an improper and evil motive amounting to malice (as described above), and which abused and/or prevented the existence of any conditional privilege, which in fact did not exist, and with a reckless and conscious disregard of PLAINTIFF's rights. All actions of DEFENDANT, and its agents and employees, herein alleged were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 9 of 10

(Add pages as required)

SHORT TITLE:

BRANCH v. THE PERMANENTE MEDICAL GROUP, INC.; et al.

CASE NUMBER:

ATTACHMENT (Number): 10

(This Attachment may be used with any Judicial Council form.)

NINTH CAUSE OF ACTION – Wrongful Termination in Violation of Public Policy

62. PLAINTIFF incorporates the allegations contained in the above paragraphs as though fully set forth herein.
63. It is against the public policy of the State of California to terminate an employee on account of that employee's opposition to practices prohibited by state or federal law or the state or federal constitution.
64. DEFENDANT's termination of PLAINTIFF based upon, among other things, PLAINTIFF having complained about having been denied promotions and having been subjected to unwarranted discipline, and having exercised her right to take FMLA/CFRA medical leave for work-related stress caused by that discriminatory and retaliatory behavior, violated important public policies as embodied and codified in, inter alia, Government Code section 12940, et seq. and Government Code section 12945.2, California Code of Regulations, title 2, sections 7287.6, 7287.7, 7287.8, 7291.6, 7293.7, 7293.9, subdivision (a), 7295.0 and the California Constitution.
65. PLAINTIFF alleges that DEFENDANT's termination of her employment on or around October 15, 2013, was a retaliatory act in violation of the FEHA that was motivated, at least in part, by PLAINTIFF having exercised her right to take FMLA/CFRA medical leave for work-related stress caused by DEFENDANT's above-described discriminatory and retaliatory behavior.
66. DEFENDANT's discriminatory and retaliatory conduct was a substantial factor causing PLAINTIFF to suffer economic damages and non-economic damages in excess of this court's jurisdiction according to proof at trial.
67. As an actual and proximate result of the aforementioned violations, PLAINTIFF has been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of this Court.
68. The above-described actions were perpetrated and/or ratified by a managing agent(s) or officer(s) of DEFENDANT. These acts were done with malice, fraud, oppression, and in reckless disregard of PLAINTIFF's rights. Further, said actions were despicable in character and warrant the imposition of punitive damages in a sum sufficient to punish and deter DEFENDANT's future conduct.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 10 of 10

(Add pages as required)